

Senate Bill No. 295

Passed the Senate April 25, 2005

Secretary of the Senate

Passed the Assembly May 31, 2005

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2005, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Sections 6047.13, 6047.29, and 6047.68 of, and to amend and renumber Section 6047.35 of, the Food and Agricultural Code, relating to agriculture, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 295, Chesbro. Pierce's Disease Control Program.

Existing law provides that there is within the Department of Food and Agriculture the Pierce's Disease Control Program. Existing law also creates the Pierce's Disease Management Account to be used for the costs that are incurred by the state or by local entities for research and other efforts to combat Pierce's disease and its vectors.

Existing law provides that there is in the Department of Food and Agriculture the Pierce's Disease and Glassy-winged Sharpshooter Board which may collect, enforce, deposit, and handle annual assessments upon grape producers. Existing law provides that all proprietary information obtained by the board is confidential and shall not be disclosed except when required by a court order. Existing law provides that a court may issue a temporary order restraining parties to a judicial proceeding involving these provisions from disseminating proprietary information which shall terminate upon the conclusion of the action.

This bill would provide that a court may issue more than one order and would remove provisions specifying that such an order would terminate upon conclusion of the action.

Existing law, operative until March 1, 2011, provides that the secretary shall appoint an advisory task force to advise him or her on the control and management of Pierce's disease.

This bill would provide that this provision would remain in effect notwithstanding the repeal of other provisions of law. This bill would make other conforming changes.

Existing law provides for the organization of districts to respond to, and distribute information about, the spread of the glassy-winged sharpshooter and Pierce's disease, by filing a petition with the county board of supervisors to form a district.

Further, a fee may be charged to reimburse the county for expenses to organize the district and the subsequent election.

This bill would delete the reference to reimbursement for costs of an election.

This bill would declare that it is to take effect immediately as an urgency statute.

The people of the State of California do enact as follows:

SECTION 1. Section 6047.13 of the Food and Agricultural Code is amended to read:

6047.13. (a) All proprietary information obtained by the board or the department from producers, processors, or any other source, including, but not limited to, the name, addresses, and assessments collected from individual producers and processors in the possession of the board or the department, including processors' lists of their producers and the assessment of individual producers, is confidential and shall not be disclosed, except when required by a court order issued upon a showing of good cause and that the information is necessary to a judicial proceeding involving this article.

(b) Disclosure, as permitted under this section, shall be conducted in camera by the court.

(c) The court shall, in the court's discretion, issue orders restraining a party or parties to a judicial proceeding involving this article from disseminating any proprietary information to the public or any other person not a party to that judicial proceeding.

SEC. 2. Section 6047.29 of the Food and Agricultural Code is amended to read:

6047.29. (a) The secretary shall appoint an advisory task force consisting of scientific experts, including, but not limited to, university researchers and agricultural representatives, for the purpose of advising the secretary on the control and management of Pierce's disease.

(b) Members of the advisory task force, or alternate members when acting as members, may be reimbursed, upon request, for necessary expenses incurred by them in the performance of their duties.

(c) Notwithstanding Sections 6047.20 and 6047.27, this section shall remain in effect until March 1, 2011, and as of that

date is repealed, unless a later enacted statute, that is enacted before March 1, 2011, deletes or extends that date.

SEC. 3. Section 6047.35 of the Food and Agricultural Code is amended and renumbered to read:

6047.3.5. Notwithstanding any other provision of law, the secretary, upon the recommendation of the board, may contract with any nonprofit authoritative scientific body with expertise in agricultural issues in order to expedite research relating to the eradication of Pierce's disease.

SEC. 4. Section 6047.68 of the Food and Agricultural Code is amended to read:

6047.68. (a) The petition shall be accompanied by a fee in an amount established by the board of supervisors as is necessary to reimburse the county for all costs incurred by it in connection with the proposed organization of the district. The board of supervisors may charge the district for actual expenses incurred by the county in connection with the proceedings for the formation of the district.

(b) Upon the establishment of the district, the district shall reimburse those who provided the funds specified in subdivision (a) from assessments collected pursuant to this article.

SEC. 5. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

Clarification of provisions relating to the Pierce's Disease Control Program is necessary before the winegrape grower referendum, scheduled for this year, takes place.

Approved _____, 2005

Governor